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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/601,828	06/23/2003	Guo Rui Deng	2451.PCRA.PT	9067

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EXAMINER

DEXTER, CLARK F

ART UNIT	PAPER NUMBER
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3724

DATE MAILED: 09/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/601,828

Applicant(s)

DENG ET AL.

Examiner

Clark F. Dexter

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 17 June 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,17-19 and 32-53 is/are pending in the application.
- 4a) Of the above claim(s) 33-35,37-39,41,42 and 51-53 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,17-19,32,36,40 and 43-50 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 6/17/05.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

**DETAILED ACTION**

1. The amendment filed on June 17, 2005 has been entered.

***Election/Restrictions***

2. Claims 33-35 and 51-53 have been withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention. Claims directed to a release pad are directed to a separate subcombination disclosed as being useable together with respect to the subcombination directed to a cover elected in applicant's prior response.

Claims 37-39, 41 and 42 have been withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species. A species that includes a blade bonded to a metal base portion (original claim 1) was elected by original presentation.

***Information Disclosure Statement***

3. The information disclosure statement filed on June 17, 2005 has been received and the references listed thereon have been considered. It is noted that references that have been lined-through were previously considered.

***Specification***

4. The disclosure remains objected to because of the following informalities:

On page 18, lines 3, 8, 10 and 12, each occurrence of "112" remains inaccurate, and it seems that it should read --100-- or the like.

On page 23, line 12, "my" remains improper and it seems that it should read --may-- or the like.

Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

5. Claims 40, 43-46 and 49 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 40, lines 3-4, the recitation "said at least one metal base portion" lacks positive antecedent basis.

In claim 49, lines 1-2, the recitation "increases the overall thickness of the die cutting apparatus has a thickness" renders the claim vague and indefinite as to what is being set forth.

***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1, 18, 19, 40, 45-47 and 49 are rejected under 35 U.S.C. 102(b) as being anticipated by Sarka et al., pn 3,863,550.

Sarka discloses an apparatus (e.g., in Fig. 11) with every structural limitation of the claimed invention including at least one metal base portion/metal plate (e.g., 2), at least one metal blade (e.g., 15) having at least one exposed cutting edge (e.g., 17), and a covering/housing/adapter (e.g., 21, 22).

### ***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35

U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

9. Claims 17, 32, 36, 43, 44, 48 and 50 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sarka et al., pn 3,863,550.

Sarka discloses an apparatus (e.g., in Fig. 11) with almost every structural limitation of the claimed invention but lacks (a) the covering/housing/adaptor being made of a material softer than the metal plate, specifically plastic (claims 17, 43, 44, 48); (b) adhesive attaching the covering to the metal base portion (claims 32 and 50); and (c) the at least one metal base portion and the blade being welded together (claim 36).

Regarding (a), it is old and well known in the art that plastic provides various well known benefits including an inexpensive, light weight material that is easy to manufacture and handle. Further, it has been held that the selection of a known material on the basis of suitability for the intended use would be entirely obvious (see *In re Leshin*, 125 USPQ 416 (CCPA 1960)). Therefore, it would have been obvious to one having ordinary skill in the art to make the molding fixture disclosed in Sarka from plastic to gain the well known benefits including those described above.

Regarding (b), it would have been obvious to one having ordinary skill in the art to use adhesive (e.g., two-sided adhesive tape) to facilitate assembly of the die disclosed in Sarka in that such adhesive is often applied to assist in assembling of components; for example, such adhesive could be applied between the bottom plate 2 and the bottom 21 of the molding fixture to maintain the respective positions of the die

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components and the molding fixture during assembly, whereby after assembly, the die would be removed from the molding fixture and the adhesive removed. Therefore, it would have been obvious to one having ordinary skill in the art to attach the covering to the metal base portion in Sarka for at least the benefits described above.

Regarding (c), the Examiner takes Official notice that it is old and well known in the art to weld a blade to a metal base portion, particularly in die structures, as being one of many known ways to provide a secure connection therebetween. Welding provides various well known advantages; for example, it is relatively inexpensive and tooling to perform such tasks is readily available. Johnson, pn 6,658,978 (e.g., Fig. 4) provides one example of such welding. Therefore, it would have been obvious to one having ordinary skill in the art to weld the at least one metal base portion and the blade being together for the well known benefits including those described above.

### ***Response to Arguments***

10. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Clark F. Dexter whose telephone number is (571)272-4505. The examiner can normally be reached on Mondays, Tuesdays, Thursdays and Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Allan N. Shoap can be reached on (571)272-4514. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



**Clark F. Dexter**  
**Primary Examiner**  
**Art Unit 3724**

cf  
September 6, 2005